

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
NORTHERN DIVISION**

JOHN C. AYERS, on behalf of himself and as
Representative of all individuals over 250 pounds
who were denied employment based upon their
weight,

Plaintiff,

-vs-

MULTIBAND FIELD SERVICES, INC., a
Delaware Corporation

Defendant.

Case No: 2:13-cv-10765-TLL-CEB
Hon: Thomas L. Ludington

Removed from the Circuit Court for
the County of Midland, Michigan
State Court No: 13-9346-CD

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**DEFENDANT'S SUPPLEMENTAL BRIEF CONSISTENT WITH OPINION
AND ORDER GRANTING DEFENDANT'S MOTION TO DISMISS AND
DIRECTING SUPPLEMENTAL BRIEFING [DKT 19]**

Defendant, Multiband Field Service, Inc. (“MFS”), by and through its counsel, and Consistent with the Court’s September 18, 2013 Opinion and Order Granting Defendant’s Motion to Dismiss and Directing Supplemental Briefing [Dkt 19], hereby files this Supplemental Brief and requests that the Court enter an Order requiring Plaintiff’s counsel to pay Defendant \$7,536.00 in attorneys’ fees. In support of its Supplemental Brief and corresponding request for \$7,536.00 in attorneys’ fees, Defendant relies on the Court’s Opinion and Order, as well as the Affidavit of Allan Rubin attached hereto as Exhibit 1.

Wherefore, Defendant respectfully requests that the Court enter an Order requiring Plaintiff’s counsel to pay Defendant 7,536.00 in attorneys’ fees, and that this Court award Defendant any other reasonable attorneys’ fees necessitated by any opposition or objections made by Plaintiff or his counsel to this request.

Respectfully submitted,

JACKSON LEWIS LLP

Dated: September 23, 2013

By: /s/ Allan S. Rubin

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CERTIFICATE OF SERVICE

I hereby certify that on September 23, 2013, I electronically filed the foregoing paper with the Clerk of the Court using the ECF system, and mailed the foregoing paper to Plaintiff's counsel at the address listed in the caption above.

/s/ Allan S. Rubin
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